

APPROVED: Meeting No. 6-82

ATTEST: *Helen M. Heneghan*

MAYOR AND COUNCIL
ROCKVILLE, MARYLAND
MEETING NO. 3-82

January 18, 1982

The Mayor and Council of Rockville, Maryland, convened in general session in the Council Chamber, Rockville City Hall, Maryland at Vinson Street on Monday, January 18, 1982, at 8:00 p.m.

PRESENT

Mayor William E. Hanna, Jr.

Councilman Steve Abrams

Councilwoman Phyllis Fordham

Councilman John Freeland

Councilman John Tyner

The Mayor in the Chair.

In attendance: City Manager Larry Blick; City Attorney Roger Titus; Assistant City Attorney Paul Glasgow; City Clerk Helen Heneghan; Assistant City Manager Daniel Hobbs; Chief of Police Jared Stout; Director of Recreation and Park Ronald Olson; Information Officer Sue M. Patterson; Director of Public Works Robert Goodin; Director of Community Development and Housing Assistance Douglas Horne.

Re: City Manager's Report

Mr. Blick reported the following:

1. The City has received from Moody's a rating of MIG-1 on the bond anticipation notes issue scheduled for January 27. MIG stands for Municipal Investment Grade. The rating of MIG-1 is the highest rating given on municipal notes. The Director of Finance and the City's financial advisor met with Standards and Poors this afternoon.
2. On Wednesday night a joint public hearing will be held by the Planning Commission and the Mayor and Council over amendments to the Master Plan which will set policies for neighborhood planning and historic preservation in the City.
3. Some of the residents in College Gardens asked the Federal Court to find that the environmental impact assessment on the Gude Drive project was inadequate. The Federal Court upheld the City's action. Subsequently, the citizens have appealed that ruling to the Federal Fourth Circuit Court of Appeals. Simultaneously, the residents asked the Montgomery County Circuit Court to enjoin the City from construction. The County Circuit Court refused.

Meeting No. 3-82

-2-

January 18, 1982

On January 11, a letter was sent to the residents abutting Gude Drive advising them that a contract had been let to F.O. Day and construction would be starting this week. Some of the residents sought an injunction from the Federal Fourth Circuit Court of Appeals. The City Attorney's office sent the City's reply today and a decision should be coming by Monday, January 25, 1982.

Re: Introduction of Resolution
To Amend the Charter of the City
of Rockville so as to change
the language that applies to
age requirements for voting,
to provide for the filing of
nominating petitions at least
thirty calendar days pre-
ceding the general election,
and to eliminate the requirement
that signers of nominating
petitions state their intention
to vote for the person named
in the petition

On motion of Councilman Tyner, there was introduced upon the table a resolution that will amend the Charter of the City of Rockville so as to change the language that applies to age requirements for voting, to provide for the filing of nominating petitions at least thirty calendar days preceeding the general election, and to eliminate the requirement that signers of nominating petitions state their intention to vote for the person named in the petition, said resolution to lay over until public hearings are held.

Councilman Tyner asked where the remainder of the package on elections, such as ordinance changes, boundaries, etc. is. Mr. Glasgow said the City Attorney's office will bring that forward to the Council on next week's agenda. Councilman Tyner said he would like it scheduled as soon as possible.

Re: Adoption of Resolution:
To authorize execution of
contract in connection with
Annexation Application, X-84-81

Resolution No. 2-82

Councilman Abrams asked the status of the zoning application at Montrose and Seven Locks Road. Mr. Owens said that is still being considered. Councilman Abrams said the staff was asked to notify the local citizens association about that application and was that done. Mr. Owens said they were notified and someone testified. The City Manager said the Planning Director and the City

Meeting No. 3-82

-3-

January 18, 1982

Attorney are working on that zoning and planning an appeal to the Suburban Sanitary Commission. Councilman Abrams said because of the fluidity of that area, he plans to vote against the annexation. He would like to see no action taken until all the issues in that area are resolved. Councilman Freeland agreed and said he also plans to vote against it. He has no problem with the development or the developer. It is his contention that access to the property has never been resolved and he will stay with his original objection. Councilwoman Fordham said she is sorry that Councilman Freeland has a problem with the access to that property. Councilman Freeland said a problem was created with the egress and ingress and because of that it is necessary for him to oppose the annexation. Councilman Tyner said he can appreciate the other feelings but he hates to see this Mayor and Council hold up a businessman or attempt to apply leverage to another businessman to get what it wants. Although he is sensitive to his colleagues' feelings, in the interest of promoting development, he plans to vote for the annexation. To do so is to bring new development to the City and the Mayor and Council has done the best it can to resolve the issues. Mayor Hanna noted that the citizens changed their position to accommodate the developer and the developer changed his position to accommodate the citizens, so a reasonable compromise was reached and one that will suit the City well. For that reason, he favors the annexation. Councilman Tyner asked if the landscaping plan had been seen by the Potomac Springs Citizens Association. Mr. Owens said about a month ago it was provided to the citizens association for review and since that time it has been reviewed by others and there are individuals who suggested improvements. Councilwoman Fordham asked when this matter of the variance for the property would be coming before the Board of Appeals. Mr. Owens said it is slated for their February 6 agenda.

On motion of Councilman Tyner, duly seconded and passed, Mayor Hanna and Councilmembers Fordham and Tyner voting aye and Councilmembers Abrams and Freeland voting nay, Resolution No. 2-82, the full text of which can be found in Resolution Book No. 7 of the Mayor and Council, authorizing the execution of a contract in connection with Annexation Petition, X-84-81, was approved by the Mayor and Council.

On motion of Councilman Tyner, duly seconded and passed, Mayor Hanna and Councilmembers Fordham and Tyner voting aye and Councilmembers Abrams and Freeland voting nay, the contract of annexation was approved by the Mayor and Council.

Meeting No. 3-82

-4-

January 18, 1982

Re: Adoption of Resolution: To enlarge the corporate boundaries to include Lots 2, 4 and 6 and parts of Lots 1, 3, and 5 in Block A of "Wheel of Fortune", Seven Locks Road, X-84-81

Resolution No. 3-82

On motion of Councilwoman Fordham, duly seconded and passed, Mayor Hanna and Councilmembers Fordham and Tyner voting aye, Councilmembers Abrams and Freeland voting nay, Resolution No. 3-82, the full text of which can be found in Resolution Book No. 7 of the Mayor and Council, enlarging the corporate boundaries to include Lots 2, 4 and 6 and parts of Lots 1, 3 and 5 in Block A of the "Wheel of Fortune" subdivision, was adopted by the Mayor and Council.

Re: Adoption of Ordinance: To amend the zoning map by adding Lots 2, 4 and 6 and parts of Lots 1, 3 and 5 in Block "A" of "Wheel of Fortune" Seven Locks Road, in the I-3 Industrial Park Zone

Ordinance No. 2-82

On motion of Councilman Tyner, duly seconded and passed, Mayor Hanna and Councilmembers Fordham and Tyner voting aye, and Councilmembers Abrams and Freeland voting nay, Ordinance No. 2-82, the full text of which can be found in Ordinance Book No. 10 of the Mayor and Council, amending the zoning map by adding Lots 2, 4 and 6 and parts of Lots 1, 3 and 5 in Block "A" of Wheel of Fortune in the I-3 Industrial Park Zone, was adopted by the Mayor and Council.

Re: Introduction of Ordinance: To grant Street Closing Application, SCA-35-81, Montrose West Limited Partnership

On motion of Councilman Tyner, there was introduced upon the table, an ordinance granting Street Closing Application, SCA-35-81, Montrose West Limited Partnership, said ordinance to lay over at least one week before final action is taken.

Re: Citizen's Forum

The Mayor opened the meeting to those citizens who wished to address the Council.

1. Howard Silberstein, 2008 Dundee Road. Mr. Silberstein told the Council that for the past two and a half years, the Community Resources Director told the Human Rights Commission the budget precluded program development when that is what the

Meeting No. 3-82

-5-

January 18, 1982

Mayor had suggested the Commission should be doing. He feels what is needed is a committee to look at the Human Rights Ordinance and with the creation of a task force, bring forth an ordinance that will work. Mayor Hanna said the City has an excellent Human Rights posture and the fact that complaints in cases are going down indicates this. He repeated his statement of last week that although the City has tried very hard to encourage people to serve it has been unsuccessful. Mr. Silberstein said his job as a citizen is to bring this matter forward to reach a middle ground and he feels a reexamination of the ordinance and the wording in it would bring forth a good product. The Council continued the discussion with Mr. Silberstein as to the make up of the Commission and the methods used to encourage more participation.

There being no other citizen wishing to be heard, the Mayor closed the citizen's forum portion of the meeting.

Re: Briefing by Montgomery County on the
Solid Waste Processing Facility

Introduced by Don Vandrey, was Andrea Eaton, Project Manager for Montgomery County who gave the Council a slide show presentation on the transfer station and the proposed energy recovery project that Montgomery County hopes to launch and have operative by 1987 to solve the problem of the handling of solid waste for Montgomery County. The Mayor and Council thanked Ms. Eaton for the presentation and also Mr. Leftkowitz, present with her this evening.

Re: Briefing on Storm Water Management

Mr. Robert Goodin introduced Mr. Rod LaFever who gave the Council a slide show presentation on the storm water management for the City of Rockville. The Mayor and Council applauded Mr. LaFever's efforts and asked that the process be explained to the citizens through pictures and articles in the Newsletter.

Re: Correspondence

The Mayor and Council noted the following items of correspondence

1. JoAnn Mazzetta, re Human Rights Commission
2. Maryland Department of Transportation, re Consolidated Transportation Program
3. David Struba, re resignation from Historic District Commission

Re: Information Items

The Mayor and Council noted the following items of information:

1. Copy of letter to Civic Association Presidents re street light
2. Response from Public Works Department to citizen complaint

Meeting No. 3-82

-6-

January 18, 1982

3. Memo from Director of Public Works re Snow Plowing in B&O Commuter lot
Mayor Hanna said that WMATA should be responsible for the plowing of the commuter lot and if they do not do it then the community should be told so they can complain to WMATA.
4. Update on landfill
5. Memo from City Manager re Traffic & Transportation Commission recommendation on West Montgomery Avenue at Washington Street
6. Memo to City Manager from CDHA re A&P store in College Garden Plaza
Councilman Tyner asked if there is any more information on this. Mr. Horne said the owner of the property is not giving any information at this time.
7. 1981 Report on new street lights
8. Quarterly & Year End Summary - ACSC
9. Memo re status of sidewalk on Park Road
10. Booklet on Energy Recovery
11. Copy of notice to tenants of the Commons
12. Copy of letter to City Manager from citizen re home rental
Councilman Tyner asked why more information is not given to this person, including the name of the complainant especially as the writer would like to clear up the situation. The City Manager said the City tries to avoid giving out the name of the person making the complaint because it often exacerbate neighborhood problems. Councilman Tyner said he would like a copy of the City's response to this citizen when it is written.
13. Memo on Cable Television Needs Assessment
Councilman Abrams asked if the staff knows how the Supreme Court ruling will apply to counties and cities. Mayor Hanna said at the present time the full implications of the Supreme Court decision are not known.
14. Memo from City Manager re Park Road signals

Re: New Business

1. Councilwoman Fordham told the Council that there will be a visit to the County by tour bus operators and there may be an opportunity to bring them to the City for breakfast and acquaint them with the points of interest throughout the City. The Council agreed to the staff's pursuing this.
2. Councilwoman Fordham said the Rockville Chamber of Commerce has invited her and another member of the Council to speak to its executive board concerning the Rockville Mall and agreements the City has made. She distributed to the Council a response to the Chamber in which she notes the confidentiality of the City's discussion with the developers at this time and the willingness

Meeting No. 3-82

-7-

January 18, 1982

of the Mayor and Council to meet with the board once the negotiations are complete. She suggested the other members of the Council do the same. Mayor Hanna agreed with Councilwoman Fordham.

3. Councilman Tyner said the Montgomery County Chapter of the Maryland Municipal League will be looking into a law suit to fight the current redistricting plan. He noted that the City will not take part in this since it has not contested the plan. The Mayor and Council agreed to the statement.

4. Councilman Tyner asked the status of the upgrading of the backstage at the Civic Center Theatre. He suggested the Mayor and Council see the plan soon. The City Manager said the architect and advisory group are working on it and they have developed a series of alternatives. He has asked the Mayor and Council to come to the theatre for a walk through. Mayor Hanna said he would prefer to see the memo and the alternatives first and then make a site visit.

5. Councilman Tyner said time will soon be approaching when the B&O station will be offered for sale and the City should be thinking of purchasing the property, if necessary, to see it preserved. Councilwoman Fordham said however the City becomes involved in the purchase, she would like to see the station opened to the public several times a year. Mayor Hanna said it would be difficult to consider a purchase or assist with a purchase when there is no idea of the cost. He would like to see the City use its good offices to work on the disposition process and still permit public access, but he is not prepared to get involved in a purchase at this time. The City Manager said he will come back with facts and a report to the Council as it evolves.

Re: Approval of Minutes
Minutes of Meeting 1-82, January
4, 1982

On motion of Councilwoman Fordham, duly seconded and unanimously passed, the minutes of Meeting No. 1-82, January 4, 1982, were approved as written.

Re: Executive Session

On motion of Councilwoman Fordham, duly seconded and unanimously passed, the meeting was closed for executive session to discuss property disposition.

Re: Adjournment

There being no other business to come before the Council in executive session, the meeting was adjourned at 12:15 a.m. to convene again in executive session on Monday, January 25, 1982, at 7:00 p.m. or at the call of the Mayor.